



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 28 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tammy Bukach, Environmental Engineer
Charter Steel, a Division of Charter Manufacturing Company, Inc.
4300 E. 49th Street
Cuyahoga Heights, Ohio 44125

Re: Notice of Violation and Finding of Violation
Charter Steel
Cuyahoga Heights, Ohio

Dear Tammy Bukach:

This is to advise you that the U.S. Environmental Protection Agency has determined that Charter Steel, a Division of Charter Manufacturing Company, Inc. is in violation of the Clean Air Act (CAA or the Act) and associated state or local pollution control requirements at its facility at 4300 E. 49th Street, Cuyahoga Heights, Ohio (facility). We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Ohio's State Implementation Plan (Ohio SIP) requires you to take reasonably available control measures to prevent particulate matter from becoming airborne and emitting from the facility. This requirement is incorporated into Charter Steel, a Division of Charter Manufacturing Company, Inc.'s Permit-to-Install (PTI). The purpose of particulate limits is to help protect the public from unhealthy exposures to particulate. Particulate emissions, in particular fine particulate, contribute to respiratory problems, lung damage and premature deaths.

The Act also requires the development of standards for new sources, called New Source Performance Standards (NSPS). The purpose of the NSPS is to limit emissions from new or modified stationary sources.

EPA finds that Charter Steel, a Division of Charter Manufacturing Company, Inc. has violated Ohio SIP requirements as incorporated into Charter Steel, a Division of Charter Manufacturing Company, Inc.'s PTI for its Cuyahoga Heights facility. Because Charter Steel, a Division of Charter Manufacturing Company, Inc. violated its PTI, you have also violated Title I of the CAA and its implementing regulations, which requires compliance with the Ohio SIP as well as the terms and conditions of operating permits. EPA also finds that Charter Steel, a Division of Charter Manufacturing Company, Inc. has violated the NSPS for Steel Plants - Electric Arc

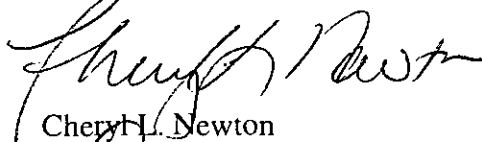
Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 at 40 C.F.R. Part 60, Subpart AAa.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Michele Jencius. You may call her at 312.353.1377 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

cc: Michael Krzywicki, Acting Commissioner, Cleveland Department of Public Health

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Charter Steel, a Division of Charter
Manufacturing Company, Inc.
Cuyahoga Heights, Ohio**

**NOTICE OF VIOLATION and
FINDING OF VIOLATION**

EPA-5-12-OH-03

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

NOTICE AND FINDING OF VIOLATION

Charter Steel, a Division of Charter Manufacturing Company, Inc. (you or Charter Steel) owns and operates a melt shop with an electric arc furnace (EAF) and baghouse control device at 4300 E. 49th Street, Cuyahoga Heights, Ohio (facility). The EAF is identified as emission unit P900.

The U.S. Environmental Protection Agency (EPA) is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you we have found violations associated with the EAF at your facility. Specifically, Charter Steel is violating: 1) the New Source Performance Standards (NSPS) for Steel Plants - Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, at 40 C.F.R. Part 60, Subpart AAa; 2) requirements specified in your Permit-to-Install (PTI); 3) and the Ohio State Implementation Plan (Ohio SIP). These constitute violations of the Clean Air Act (the Act or CAA).

Regulatory Authority

The NSPS relevant to this FOV/NOV are as follows.

1. The Subpart AAa NSPS for Steel Plants - Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (NSPS for Steel Plants), applies to affected facilities at steel plants that produce carbon, alloy, or specialty steels.
2. The NSPS General Provisions, at 40 C.F.R. § 60 Subpart A, apply to any owner or operator of an affected facility.
3. The NSPS General Provisions, at 40 C.F.R. § 60.8(a), and NSPS for Steel Plants, at 40 C.F.R. § 60.276a(f) (demonstration of compliance with standards for particulate matter), required Charter Steel to conduct performance tests within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility.

The Ohio SIP relevant to this FOV/NOV are as follows.

4. Ohio Administrative Code (OAC) rule 3745-31-05 allows Ohio Environmental Protection Agency (OEPA) to issue PTIs with terms and conditions as necessary to ensure compliance with applicable laws and to ensure adequate protection of environmental quality. On March 10, 2003, EPA approved OAC rule 3745-31-05 as part of the federally enforceable SIP for Ohio. 68 Fed.Reg. 2909.

The permit conditions relevant to this FOV/NOV are as follows.

5. Part III.A.V.2. of PTI 13-04176 (for emission unit P900) requires: 1) emissions testing be conducted within 60 days of achieving maximum production rate at which P900 will be operated, but no later than 180 days after initial start-up of P900; and 2) that the tests be conducted in accordance with the requirements of 40 CFR Part 60.275a.

6. Part III.A.I.1. of PTI 13-04176 (for emission unit P900) permits emission unit P900 to process 110 tons per hour.

Facts

7. EPA conducted an inspection at Charter Steel on May 11, 2010.

8. In submittals to EPA dated October 29, 2010 and November 12, 2010, Charter Steel provided an incomplete response to the CAA Section 114 information request issued by EPA and dated August 19, 2010.

9. On January 21, 2011, EPA issued an Administrative Order to Charter Steel requiring a complete response to the August 19, 2010 information request be submitted to EPA.

10. In a response to EPA dated February 7, 2011, Charter Steel provided a complete response to the August 19, 2010 information request issued by EPA.

11. Based on information contained in the responses to the information request and the inspection conducted at the facility, an NOV/FOV was issued to Charter Steel on March 31, 2011.

12. Representatives of Charter Steel met with EPA at a 113 conference held at EPA on April 26, 2011 to discuss the March 31, 2011 NOV/FOV.

13. In a submittal dated June 3, 2011, Charter Steel provided a response to a second information request issued by EPA on May 9, 2011.

14. Charter Steel is the owner or operator of a steel plant at 4300 E. 49th Street in Cuyahoga Heights, Ohio. The plant is a stationary source which contains an affected facility known as emission unit P900.

15. Emission unit P900 began operation on June 15, 2006, and was constructed after August 17, 1983. Emission unit P900 is subject to the NSPS General Provisions and the NSPS for Steel Plants.

16. OEPA issued PTI 13-04176 to the facility (issued June 10, 2004 and modified February 12, 2008).

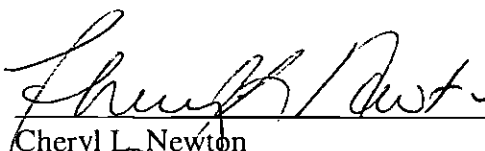
17. Charter Steel performance tested emission unit P900 on June 4-7, 2007 at an average production rate of 44.1 tons per hour. This is not its maximum production rate. Charter Steel's maximum production rate is 110 tons per hour.

Violations

18. Since December 26, 2006 (i.e., within 180 days after initial startup), Charter Steel has failed to performance test emission unit P900 at its maximum production rate, in violation of 40 C.F.R. § 60.8(a), 40 C.F.R. § 60.276a(f), and Part III.A.V.2. for emission unit P900 in its PTI 13-04176.

Date

11/28/11



Cheryl L. Newton

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent a Finding of Violation, No. EPA-5-12-OH-03, by Certified Mail, Return Receipt Requested, to:

Tammy Bukach, Environmental Engineer
Charter Steel, a Division of Charter Manufacturing Company, Inc.
4300 E. 49th Street
Cuyahoga Heights, Ohio 44125

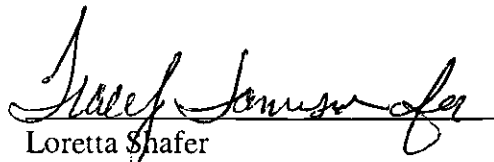
I also certify that I sent copies of the Finding of Violation by first-class mail to:

Thomas P. McEligott, Attorney at Law
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, Wisconsin 55302-4497

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health - Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

Ohio EPA, NEDO
Ed Fasko, Manager
Air Pollution Group
2110 East Aurora Road
Twinsburg, Ohio 44087

On the 29th day of November 2011


Loretta Shafer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1020 0000 7072 9994